

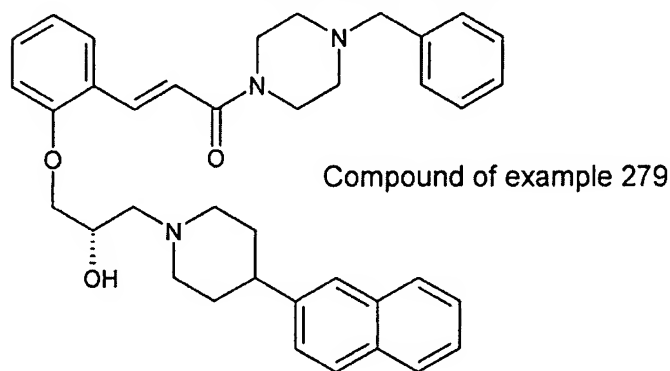
### Arguments/Remarks

Claims 1-4, 6 and 9 are pending in the application. Claims 1, 2, 4 have been amended, claim 6 has been canceled, and new claim 10 has been added. Support for the amendments to claims 1, 2, 4 and the new claim 10 can be found in the originally filed claims and throughout the specification. For example, support for the amendments to claim 1 can be found in the specification at, e.g., pages 155 and 156. Support for the amendments to claim 2 can be found in the original claim 2. Support for the new claim 10 can be found in the examples (1-113) described in the specification. No new matter has been added.

### **Supplemental Information Disclosure Statement**

Applicants have previously submitted an Information Disclosure Statement, which includes JP2000085603 with English translation of the abstract. Applicants hereby submit a Supplemental Information Disclosure Statement with a copy of the same Japanese application.

JP200085603 discloses one single compound in Example 279, which is of formula



which can be a compound of formula I of the present invention wherein

$R_1$  is  $-X-R_{10}$ ,

X is a linker comprising 4 atoms selected from O and C, namely  $-O-C-C-C-$ ,

wherein one of said atoms is substituted by optionally substituted oxo, namely hydroxy,

$R_{10}$  is heterocycloalkyl, namely piperidinyl, which is substituted by aryl, namely naphthalinyl, and

$R_3$ ,  $R_4$ ,  $R_5$ ,  $R_6$  and  $R_7$  are hydrogen.

Claim 1 has been amended herein to exclude the compound of Example 279 described in JP2000085603.

### **Claim Rejections – 35 USC § 112**

Claims 1-4 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner has stated: (1) the use of the term “comprising” in compound claims renders the claims indefinite; (2) the use of capital letters in the claims render the claims ambiguous; and (3) claims 2 and 4 contain multiple sentences.

Applicants respectfully submit that the “comprising” language has been amended in claim 1, and the capital letters and periods with a claim have been corrected so only one complete sentence for each claim. As such, the rejection under 35 USC 112, second paragraph, should be withdrawn.

#### **Claim Rejections – 35 USC § 112, Enablement**

Claim 6 is rejected under 35 USC 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention.

Applicants respectfully disagree. However, merely to expedite prosecution, claim 6 has been canceled, and Applicants reserve the right to pursue the subject matter of the canceled claim in a later filed related application.

#### **Claim Rejections – 35 USC § 102**

##### **Blumberg**

Claims 1 and 9 are rejected under 35 USC 102(b) as being anticipated by Blumberg *et al.*, U.S. Patent No. 7,098,212 (“Blumberg”).

Applicants respectfully disagree, and submit that the compounds of Blumberg do not comprise a double  $\text{--C=C--}$  bond attached to the piperazinecarbonyl group as the compounds of the present invention. As such, Blumberg can not anticipate the claimed compounds of the present invention.

##### **Ohtaka**

Claims 1 and 4 are rejected under 35 USC 102(b) as being anticipated by Ohtaka *et al.*, U.S. Patent No. 4,742,062 (Ohtaka).

The active compound (e.g., the compound in claim 1) in Ohtaka does not have a carbonyl group at the piperazine nitrogen atom. Ohtaka discloses one single compound having such carbonyl bond as an intermediate in the production of Ohtaka’s active compound - compound of formula V (columns 3 and 4, and Reference example 1). The compound of formula V in Ohtaka, when compared with the compounds of the present invention, however, is missing a residue R1, wherein R1 is  $\text{--X-R10}$ ,  $\text{--X-(R10)}_2$  or  $\text{--NR11R12}$ , wherein X is a linker comprising 1 atom or a chain comprising 2, 3 or 4 atoms selected from N, C, O or S, and wherein when said linker comprises 2 or more C atoms the linker may comprise 1 or more  $\text{C=C}$  or  $\text{C}\equiv\text{C}$  bonds. In contrast, compound of formula V in Ohtaka has chloro (a residue comparable to R1 of the present invention), which is not in the scope of the present invention. As such, Ohtaka does not anticipate the claimed compounds of the present invention.

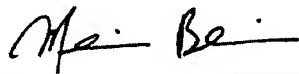
In view of foregoing, Applicants respectfully request that the 102 rejections be withdrawn.

#### **Conclusion**

Applicants respectfully request that the amendments and remarks made herein be entered and made of record in the file history of the present application. Withdrawal of the Examiner's rejection and a notice of allowance are requested. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

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